



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takanori MASUI et al.

Group Art Unit: 2135

Application No.: 10/660,560

Examiner: J. PAN

Filed: September 12, 2003

Docket No.: 117046

For: INFORMATION PROCESSOR AND INFORMATION PROCESSING METHOD FOR
COOPERATIVE OPERATION OF JOB PROCESSOR

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Appeal is attached. Applicants respectfully request review of the Final Rejection mailed July 24, 2007 in view of the arguments set forth in Applicants' October 5, 2007 Request for Reconsideration After Final Rejection ("Request") and in view of the Examiner's comments in the Advisory Action mailed October 19, 2007. This review is requested specifically to address what Applicants believe is an overly broad construction regarding what the combination of U.S. Patent Application Publication No. 2002/0184518 to Foster et al. (hereinafter "Foster") and U.S. Patent No. 7,237,243 to Sutton can reasonably be considered to have suggested with regard to the subject matter of the pending claims. Applicants are concerned that detailed arguments set forth in Applicants' April 27, 2007 Amendment and October 5 Request have not been addressed.

**I. Foster Cannot Reasonably Be Considered to Teach the Features
That the Office Action Relies Upon Foster for Teaching**

The Advisory Action continues to misconstrue Foster attempting to render obvious features recited in the pending claims. Applicants argued that the workflow controller of Foster

cannot reasonably be considered to correspond to a transmitter, or sending step, which sends instruction data to the job processor which executes the process described in the encrypted process description, as varyingly recited in claims 1, 7 and 10. In response, the Advisory Action points to specific disclosures in Foster which support Applicants' arguments. Specifically on page 2, line 9, the Advisory Action, with reference to paragraph [0056] of Foster, quotes the reference "[t]he workflow controller 70 may then send the job ticket 61 to the job ticket service 60 for storage and processing." Then with reference to paragraph [0103] of Foster, the Advisory Action further quotes the reference "[t]he workflow controller 70 may then notify selected processors 80.sub.1 that a job request has been registered with the job ticket service 60." The combination of these disclosures would lead one of ordinary skill in the art to conclude that the workflow controller 70 sends job ticket information to the job ticket service 60 and may separately notify selected processors that a job request has been registered with the job ticket service 60. There is no reasonable construction by which this combination of features Foster can reasonably be considered to teach, or to have suggested, a transmitter, or sending step, which sends the instruction data in which the process description is encrypted by the encryption processor to the job processor which executes the process described in the encrypted process description. Breaking up this positively recited claim feature to separate the job processor from execut[ing] the process described, in an attempt to map features recited in Foster to the subject matter of the pending claims is unreasonable. This construction fails to give plain meaning to each term positively recited in the claim which is clearly in conflict with all precedent regarding claim construction.

II. Foster and Sutton Are Not Combinable in the Manner Suggested

The Office Action concedes that Foster does not teach the features added into the independent claims by Applicants' April 27 Amendment regarding encrypting each process description using the information of each one of job processor which executes the process. The

Office Action relies on Sutton to remedy this shortfall. Sutton deals with computer architecture comprising a controller on one computer to manage multiple other computers, each of the other computers containing agent software allowing the multiple other computers to be managed by the controller. Sutton mentions, at col. 11, line 38 - col. 12, line 27, in the context of automatically configuring new machines within the control network, that in order to maintain control of a node by a trusted controller, and to prevent a rogue controller or computer from obtaining sensitive information, sensitive information may be encrypted such that only target nodes of a secured message can decrypt it. This broad disclosure in Sutton regarding "sensitive information" cannot reasonably be considered to have suggested the features of the encryption processor recited in the claims, which encrypts each process description defined in instruction data using information of each one of job processor which executes the process so that the process description is decryptable for the job processor. In response to Applicants having made the above arguments, again the Advisory Action quotes limitedly related portions of Sutton in attempting to force an obviousness conclusion. Simply because some encryption methodology is mentioned in a reference does not render a specific encryption methodology as suggested by that reference.

Moreover, Applicants previously argued that it is unclear how it is proposed that any teaching of Foster may be modified by any teaching of Sutton. For example, the Office Action asserted that Foster discloses an encryption of the job tickets 61. Modifying the encryption in Foster would not arrive at the subject matter of the pending claims at least because the encryption in Foster appears to be directed only to restricting access to the job tickets that are stored in the common location on the network. This cannot reasonably be considered to correspond to, and cannot be expanded to encompass, any encryption with respect to the communication of a particular job instruction to processors responsible for individual jobs. The prosecution history of this application to date has not made clear how one of ordinary skill in the

art would have been motivated to modify Foster with Sutton, a modification that would likely render Foster unsuitable for its intended purpose and/or impermissibly alter its method of operation. In this regard, the coordination and control disclosed between the controller and the nodes in Sutton does not complement the open architecture of Foster to provide a requested service based on the multiple users' access to public keys. Applicants' very detailed arguments regarding the non-combinability of Foster and Sutton are not addressed in the Advisory Action.

III. Specific Features Recited in Dependent Claims Are Not Adequately Rendered Obvious by the Combination of the Applied References

In addition to the above, regarding, for example, claim 2, the combination of Foster and Sutton cannot reasonably be considered to have suggested an encryption processor encrypting a process description, which is a current encryption target together with encrypted data on the process description about a downstream process to be carried out later than the process described in the process description of the current encryption target. Neither of the applied references deals with a process description, which is a current encryption target, together with a process description about a corresponding downstream process.

Regarding claims 6 and 8, the Office Action asserts that, because (1) Sutton discloses an administration program 210 that allows creation or editing of a script, including deletion of a script entry, and (2) Foster discloses an expiration date/time segment that may be used to terminate active status of a ticket, and subsequent deletion of the ticket may help to eliminate stale data and free up resources for other job requests, the teachings would have led one of ordinary skill in the art to arrive at the features of these claims. These teachings of the references would not have suggested decrypting part of a received process description for a job processor, deleting a part of the decrypted process description from the instruction data, and sending the instruction data from which the decrypted process description has been deleted to another job processor which subsequently executes further processing. The assertions of the Office Action regarding the obviousness of these features is not supportable based on the

teachings of the references at least because the full extent of this combination of features is not suggested by the references, nor does the suggestion of deleting stale tickets in Foster provide motivation to combine the script editing function in Sutton.

IV. Conclusion

Applicants believe that, upon review of the Final Rejection, Applicants' October 5 Request, and the Advisory Action, it will be clear that the rejection of the pending claims under 35 U.S.C. §103(a) as being unpatentable over a combination of Foster and Sutton is in error.

Applicants respectfully submit, therefore, that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11 are earnestly solicited.

Should the Review Panel believe that anything further would be desirable in order to place this application in even better condition for allowance, all inquiries may be directed to Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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JAO:DAT/jth

Attachment:
Notice of Appeal

Date: October 24, 2007

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